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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

GEUNTAI KIM, AKA Geun Kim;  
GUNGSOOK HWANG,

Petitioners,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 06-72720

Agency Nos. A072-970-154  
A079-378-313

MEMORANDUM\*

On Petition for Review of an Order of the  
Board of Immigration Appeals

Submitted July 29, 2009\*\*

Before: WALLACE, LEAVY, and HAWKINS, Circuit Judges.

Geuntai Kim and his wife, Gungsook Hwang, natives and citizens of South Korea, petition for review of the Board of Immigration Appeals' order dismissing

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

their appeal from an immigration judge's order of removal. We have jurisdiction pursuant to 8 U.S.C. § 1252, and we deny the petition.

We reject petitioners' contention that the government failed to establish removability by clear and convincing evidence, because petitioners conceded removability. *See Shin v. Mukasey*, 547 F.3d 1019, 1024 (9th Cir. 2008).

We also reject petitioners' contention that the government should be equitably estopped from ordering their removal. Although a government employee, Leland Sustaire, issued Kim's fraudulent alien registration card (Hwang was a derivative beneficiary), the record shows Kim was not "ignorant of the true facts" when he procured the cards, *id.* at 1025, and, "[i]n any event, estoppel against the government is unavailable where petitioners have not lost any rights to which they were entitled." *Sulit v. Schiltgen*, 213 F.3d 449, 454 (9th Cir. 2000).

Finally, we find no defects amounting to a due process violation. *See Shin* at 1024-25; *Hong v. Mukasey*, 518 F.3d 1030, 1035-36 (9th Cir. 2008).

**PETITION FOR REVIEW DENIED.**